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10 Federal Trade Commission

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 v.

18 SWISH MARKETING, INC., a corporation,

19 MARK BENNING, individually and as an  
officer of SWISH MARKETING, INC.,

20 MATTHEW PATTERSON, individually and  
21 as an officer of SWISH MARKETING, INC.,  
22 and

23 JASON STROBER, individually and as an  
officer of SWISH MARKETING, INC.,

24 Defendants.  
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Case No. C09-03814 -RS

Hearing Date: October 7, 2010  
Hearing Time: 1:30 p.m.  
Courtroom: 3, 17<sup>th</sup> Floor

**PLAINTIFF'S STATEMENT OF  
RECENT DECISION**

26 Pursuant to Civil Local Rule 7-3(d), Plaintiff the Federal Trade Commission submits this  
27 Statement of Recent Decision to bring to the Court's attention the United States District Court  
28 for the Northern District of California's recent decision in *FTC v. Inc21.com Corp.*, Case No.

**PLAINTIFF'S STATEMENT OF RECENT DECISION - C09 3814 RS**

1 3:10-cv-00022-WHA (Dkt # 162) (N.D. Cal., Sept. 21, 2010). Attached hereto as Exhibit A is a  
2 copy of that opinion.

3  
4 DATED:

/s/ Kerry O'Brien

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6 KERRY O'BRIEN  
EVAN ROSE  
7 ERIC EDMONDSON

8 Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION  
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